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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA) 2:04-CR-0220-WBS
10)
11 Plaintiff,) PRELIMINARY ORDER OF FORFEITURE
AND PUBLICATION THEREOF
12)
v.) Date: August 31, 2005
13) Time: 9:00 a.m.
) Court: Hon. William B. Shubb
14)
SEKHARITH BE,)
15)
16 Defendant.)
_____)
17

18 Based upon defendant Sekharith Be's conviction on Count
19 Seven (a violation of 18 U.S.C. § 1960) of the Superseding
20 Indictment, it is hereby

21 ORDERED, ADJUDGED AND DECREED as follows:

22 1. Pursuant to Fed. R. Crim. P. 32.2, 18 U.S.C. §
23 982(a)(1), and U.S.C. § 982(b)(1) (incorporating provisions of 21
24 U.S.C. § 853(p)), defendant Sekharith Be's interest in the
25 following property shall be condemned and forfeited to the United
26 States of America, to be disposed of according to law:

- 27 1. Approximately \$22,000.00 in U.S. Currency seized
28 on or about May 18, 2004;

2. Approximately \$4,248.00 in U.S. Currency with Potential Collector Value seized on or about May 18, 2004;
3. 47 pieces of jewelry seized on or about May 18, 2004; and
4. 39 clear cut stones seized on or about May 18, 2004.

Hereinafter, these assets are collectively referred to as the "Assets".

2. The above-listed Assets constitute substitute assets pursuant to 18 U.S.C. § 982(b)(1) (incorporating 21 U.S.C. § 853(p)).

3. Pursuant to Fed. R. Crim. P. 32.2(b), the Secretary of Treasury (or a designee) is authorized to retain the above-described properties in his custody and control. That the aforementioned forfeited properties shall be seized and held by the Department of Treasury, Internal Revenue Service - Criminal Investigations Division, in its secure custody and control.

4. a. Pursuant to 18 U.S.C. § 982(b)(1) incorporating 21 U.S.C. § 853(n) and Local Rule 83-171, the United States forthwith shall publish at least once for three successive weeks in the Stockton Record (San Joaquin County), a newspaper of general circulation located in the county in which the above-described Assets were seized, notice of this Order, notice of the Secretary of Treasury's intent to dispose of the property in such manner as the Secretary of Treasury may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within thirty (30) days of the final

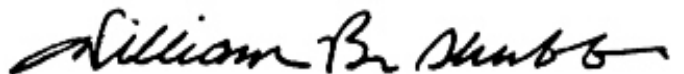
1 publication of the notice or of receipt of actual notice,
2 whichever is earlier.

3 b. This notice shall state that the petition shall be
4 for a hearing to adjudicate the validity of the petitioner's
5 alleged interest in the properties, shall be signed by the
6 petitioner under penalty of perjury, and shall set forth the
7 nature and extent of the petitioner's right, title or interest in
8 the forfeited properties and any additional facts supporting the
9 petitioner's claim and the relief sought.

10 c. The United States may also, to the extent
11 practicable, provide direct written notice to any person known to
12 have alleged an interest in the Assets that are the subject of
13 this Order of Forfeiture, as a substitute for published notice as
14 to those persons so notified.

15 5. If a petition is timely filed, upon adjudication of all
16 third-party interests, if any, this Court will enter a Final
17 Order of Forfeiture pursuant to 18 U.S.C. § 982(a)(1) and U.S.C.
18 § 982(b)(1) (incorporating provisions of 21 U.S.C. § 853(p)) in
19 which all interests will be addressed.

20 SO ORDERED nunc pro tunc this 14th day of September, 2005.

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23 WILLIAM B. SHUBB
24 UNITED STATES DISTRICT JUDGE
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